

LEGISLATIVE  
COMMITTEE ON PUBLIC HEALTH

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1881.

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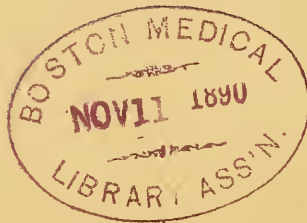
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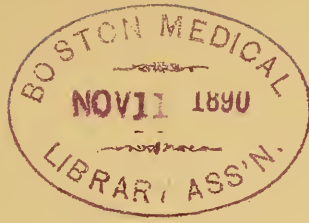
*LEGISLATURE OF 1881.*

979



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1881.





## SKETCHES OF THE MEMBERS OF THE COMMITTEE.

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[“Boston Journal,” Jan. 5, 1881.]

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### SENATORS.

*Second Essex District.* — Hon. NATHANIEL AUGUSTUS HORTON, Republican, is a native resident of Salem, and is one of the editors and publishers of the Salem “Gazette.” He was born April 16, 1830, and was educated in the local schools. Mr. Horton has served two years in the Common Council, and was a member of the House in 1860, 1879, and 1880. He has been House Chairman of the Committee on Printing and of the Committee on Public Health, and has served also on the Committees on Engrossed Bills and on the Library.

*Fourth Middlesex District.* — Hon. CHARLES QUINCY TIRRELL, Republican, lawyer, of Natick, was born in Sharon, Mass., Dec. 10, 1844, and graduated at Dartmouth College in 1866. He has held various local offices in the town of Weymouth, and represented that town in the House in 1872, serving on the Committee on Probate and Chancery.

*Fifth Worcester District.* — Hon. DANIEL BOWMAN INGALLS, Republican, dentist, of Clinton, was born May 25, 1825, in Sutton, Vt., and received his education in the common schools and at the Boston Dental School. He was a member of the House last year, and served on the Committee on Public Buildings.

### REPRESENTATIVES.

*Fourteenth Suffolk District.* — ARTHUR HERVEY WILSON, Republican, physician, lives at No. 504 East Broadway, South Boston, and is a new member of the Legislature. He is a native of

Paxton, Mass. ; was born Aug. 18, 1839 ; and was educated in the public schools of Worcester, the academy at Wilbraham, Dartmouth College, and the Harvard Medical School. He was Assistant Surgeon of the United States Volunteers, and held the same rank in the Seventh Regiment, United States Veteran Volunteers, serving from November, 1863, to May, 1866. Under the State-Aid law he held the position of examining surgeon, and he was also examining surgeon on account of United States pensions from 1867 to 1871. He was a member of the Boston School Committee from 1869 to 1875, and held the office of coroner from 1867 to 1877.

*Seventh Middlesex District.* — JOHN CLARK RAND, Republican, of Medford, is a member of the firm of Rand, Avery, & Co., of Boston, Printers to the Commonwealth. He was born in Chelsea, Mass., June 6, 1842 ; studied in the Boston public schools and the Roxbury Latin and English High School, graduating at Wesleyan University, Middletown, Conn., in 1863. After graduation he devoted himself at once to the work of learning the business in which he is at present engaged, and with which various members of his family have long been identified. During the last campaign Mr. Rand was an active worker, and held the office of President of the Young Men's Republican Club of Medford. Though a new member, he is familiar with the methods of legislation, owing to his business connection with the Legislature and the other departments of the State Government.

*Third Suffolk District.* — HENRY LYON, Republican, lives at No. 34 Monument Square, and is a retired physician. He was born in Needham (Lower Falls), Mass., Dec. 16, 1814, and graduated at Harvard University in 1835. He has had no previous legislative experience.


*Second Middlesex District.* — GEORGE D. CHAMBERLAIN, Republican, of Cambridge, new legislator, is a member of the Boston firm of N. & G. D. Chamberlain, wholesale dealers in beef. He was born in Westborough, Mass., June 4, 1823, and was educated in the local schools. He has been two years in the Cambridge Board of Aldermen, and held the office of Overseer of the Poor six years.

*Second Suffolk District.* — JOSEPH P. HAMLIN, Republican, is engaged in the real-estate business, and lives at No. 120 London Street, East Boston. He was born in Sidney, Me., was educated in the schools there, and now takes public office for the first time.

*Fourth Franklin District.* — DAVID TAYLOR VINING, Democrat, physician, of Conway, was born in Hawley, Mass., Oct. 19, 1821. He received his education in the common schools and the Franklin Academy, and has been a member of the Conway School Committee fifteen years, and was in the House in 1855.

*Sixth Norfolk District.* — JOEL F. SHEPPARD, Republican, of Braintree, is a coal-merchant; was born in Greenwich, N.J., Nov. 20, 1835; and was educated in Greenwich and Salem, N.J. He enters the Legislature for a first term.

*Twenty-Eighth Middlesex District.* — EDWARD MCMANUS, Democrat, shoemaker, of Natick, is a new member, and was born in Tempo, Fermanagh County, Ireland, March 1, 1837, receiving his education in Irish schools. He has been Assessor of Taxes in Natick several years.



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# LEGISLATURE OF 1881.

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## JOINT STANDING COMMITTEE ON PUBLIC HEALTH.

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MESSRS. HORTON . . . . . of Essex,  
TIRRELL . . . . . of Middlesex,  
INGALLS . . . . . of Worcester,

*Of the Senate.*

MESSRS. WILSON . . . . . of Boston,  
RAND . . . . . of Medford,  
LYON . . . . . of Boston,  
CHAMBERLAIN . . . . . of Cambridge,  
HAMLIN . . . . . of Boston,  
VINING . . . . . of Conway,  
SHEPPARD . . . . . of Braintree,  
McMANUS . . . . . of Natick,

*Of the House.*

THOMAS F. DOWNEY,  
*Messenger.*

Number.	TITLE.	Referred to Committee.	Reported by Committee.	Date.	Document.	Acts and Resolves Chapter No.	Signed.
1	Medford	January 11	Rand	April 13	House No. 329	303	May 13.
2	Clinton	January 18	Ingalls	January 19	Senate No. 20	6	February 4.
3	Governor's Message	January 11	Horton	May 3	Senate No. 251	R. 62	May 12.
4	Contagious Diseases	January 11	Vining	March 1	House No. 184	—	Killed in House April 11.
5	Medical Examiners	January 12	Wilson	March 28	House No. 339	—	Killed in House April 28.
6	Boston High Service	January 11	Rand	March 9	House No. 248	129	March 24.
7	Hingham Water Co.	January 11	Tirrell	February 23	Senate No. 84	59	March 3.
8	Arlington and Alewife Brook	January 14	Rand	April 13	House No. 329	303	May 13.
9	Lexington Water Co.	January 14	Wilson	April 27	House No. 414	267	May 12.
10	Milford Water Co.	January 14	Rand	February 14	House No. 92	77	March 9.
11	Sick Poor	January 14	McManus	February 24	Inexpedient	—	—
12	Middlesex Aqueduct Co.	January 18	Ingalls	March 1	Senate No. 112	—	Killed in House April 8.
13	Pharmacy Bill	January 18	Lyon	March 29	House No. 423	—	Killed in House May 6.
14	Uxbridge Water Co.	January 17	Horton	February 17	Senate No. 81	76	March 9.
15	Cambridge Arsenal Lot.	January 19	Lyon	February 24	Inexpedient	79	March 12.
16	South Adams Fire Dist.	January 19	Hamlin	February 23	House No. 134	—	—
17	State Prison Sewage	January 21	Lyon	April 29	House No. 426	R. 65	March 12.
18	Weymouth	January 20	Sheppard	February 18	House No. 117	174	April 6.
19	Shawshen	January 24	Ingalls	April 5	Senate No. 211	—	Killed in Sen. April 13.
20	Framingham	January 24	Tirrell	March 24	Senate No. 139	206	April 20.
21	Ayer Water Co.	January 24	Ingalls	February 17	Senate No. 76	—	Killed Conf. Com. May 4.
22	Salem Flats	January 24	Horton	February 18	Com. discharged	—	—
23	Gloucester Water Co.	January 24	Horton	March 1	Senate No. 116	167	March 31.
24	Newburyport.	January 26	Horton	February 23	Senate No. 90	72	March 8.
25	Plumbing	January 27	Horton	March 9	Inexpedient	—	—

26	Lowell Tenement Houses,	January 28 .	Hamlin .	March	9 .	Leave to with- draw	-
27	Ventilation Work-Shops .	January 28 .	Chamberlain .	March	8 .	Referred to Com. on Labor	-
28	Somerville and Alewife Brook .	January 28 .	Horton .	March	31 .	Senate No. 202 .	240
29	Burial Certificates .	January 31 .	Ingalls .	March	29 .	Inexpedient	-
30	Purity of Ponds .	January 31 .	Horton .	March	9 .	Inexpedient	-
31	Bridgewater .	February 1 .	Chamberlain .	March	8 .	Referred to Com. on Fisheries	-
32	Worcester Water Supply,	February 3 .	Ingalls .	April	12 .	Senate No. 250 .	268
33	Blackstone Sewage .	February 3 .	Horton .	May	3 .	Senate No. 252 .	R. 67
34	Peabody Water Co. .	February 3 .	Horton .	March	22 .	Senate No. 188 .	171
35	Boston Waste of Water .	February 3 .	Wilson .	March	4 .	House No. 139 .	205
36	Sums due Cities and Towns .	February 3 .	Sheppard	February	11 .	Referred to Com. on Judiciary	-
37	Health of Towns .	February 3 .	Vining .	March	1 .	House No. 184 .	-
38	Health of Cities .	February 3 .	Lyon .	March	25 .	House No. 328 .	185
39	Pollution of Streams .	February 3 .	Horton .	March	25 .	Inexpedient	-
40	Inspection of Meat .	February 1 .	Chamberlain .	March	25 .	Referred to next General Court.	-
41	Natick .	February 2 .	Tirell .	March	3 .	Senate No. 134 .	130
42	Arsenical Wall-Paper .	. . . .	Taken from files	February	10 .	Ruled out by Senate	-
43	Beverly .	March 15 .	Horton .	May	2 .	Leave to with- draw	-
44	Salem Flats .	February 23 .	Horton .	April	12 .	Senate No. 216 .	213
45	Ventilation State Prison,	April 15 .	Lyon .	April	29 .	House No. 417 .	R. 65
46	Chicopee Falls .	May 4 .	Wilson .	May	6 .	House No. 433 .	282
							May 12. May 13.
							April 21. May 12. May 13.
							March 24.
							Killed in House April 11. April 6.

NUMBERS 1 & 8.

[CHAP. 303.]

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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### AN ACT

To require the city of Boston to abate a Nuisance in Mystic Lower Pond, for protecting the purity of the waters of said Pond, and for the preservation of the Public Health, especially in the towns of Medford and Arlington.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1    SECTION 1.    The city of Boston is hereby directed  
2 to cease emptying sewage, or waters, or substances  
3 containing polluting matter or properties, into Mys-  
4 tic Lower Pond, through its sewer constructed under  
5 chapter two hundred and two of the acts of eigh-  
6 teen hundred and seventy-five, or otherwise, and is  
7 hereby also directed to take up and remove so much  
8 of said sewer as extends into said pond, and also

9 that part thereof between said pond and a point on  
10 the line of said sewer at least two hundred feet  
11 from said pond, within three months from the pas-  
12 sage of this act, and thereafter no person or per-  
13 sons, no municipal nor other corporation or corpora-  
14 tions, shall discharge or divert into said pond any  
15 sewage or offensive matter, waters or substances  
16 containing such properties or of such quality as shall  
17 of themselves or in connection with other matter  
18 create a nuisance in said Mystic Lower Pond, or  
19 endanger the public health; but nothing herein shall  
20 be construed to prohibit the city of Boston from dis-  
21 charging such water as shall be collected in its said  
22 sewer into said Mystic Lower Pond after said city  
23 shall have purified, cleansed and freed the said  
24 waters from all offensive, contaminating, noxious  
25 and polluting properties and substances, so that said  
26 waters shall not of themselves, or in connection  
27 with other matter, create a nuisance therein or  
28 endanger the public health: *provided*, that said  
29 waters so purified shall flow for a distance of at  
30 least two hundred feet immediately before their  
31 entrance into said pond in an open drain over a  
32 gravelly or sandy bottom.

1     SECT. 2. The city of Boston is hereby directed  
2 to cause said Mystic Lower Pond to be cleansed of  
3 such impurities prejudicial to the public health as,  
4 in the judgment of the state board of health, lunacy  
5 and charity, it shall have caused, and at such time  
6 and in such manner and extent as shall be approved  
7 by the state board of health, lunacy and charity, and

8 said city shall pay the expense incurred thereby;  
9 and should the said board deem the same to be ne-  
10 cessary, and so decide, the city of Boston may erect  
11 a dam at the outlet of the lower Mystic Pond, and  
12 may exclude tide water from said pond, and may  
13 raise the height of the water in said pond, and  
14 may take land therefor; and any person suffering  
15 any damage shall have the right to have damages  
16 assessed therefor, as provided in section three of  
17 this act.

1     SECT. 3. The city of Boston is hereby authorized  
2 to take and hold, for the time necessary to carry out  
3 the provisions of this act, such lands in the towns of  
4 Woburn or Winchester, on or near the line of said  
5 sewer, as it shall deem necessary, and may construct  
6 such canals, basins, tanks, passageways and works  
7 as may be necessary to enable said city to treat said  
8 sewage and waters, in order to free the said waters  
9 of all noxious, dangerous and offensive matter and  
10 properties. Said city shall make compensation to  
11 the owners for such lands as it shall take under this  
12 act, and if said city and said owners do not agree  
13 any person aggrieved shall be entitled to have his  
14 damages ascertained by a jury upon petition to the  
15 county commissioners of Middlesex county, the pro-  
16 ceedings upon which shall be like those provided for  
17 the recovery of damages in the taking of lands for  
18 highways.

1     SECT. 4. Said city of Boston is hereby author-  
2 ized to raise and appropriate, in such manner as its

3 city government shall determine, such sums of  
4 money as shall be incurred by said city in carrying  
5 out the provisions of this act.

1   SECT. 5. This act shall be subject to the same  
2 limitations expressed in section twelve of chapter  
3 two hundred and two of the acts of the year eigh-  
4 teen hundred and seventy-five.

1   SECT. 6. The supreme judicial court, or any jus-  
2 tice thereof, in term time or vacation, sitting in  
3 equity for either of the counties of Suffolk or Mid-  
4 dlesex, shall have jurisdiction in equity to enforce  
5 the provisions of this act by injunction or by any  
6 other appropriate equitable remedy, on complaint of  
7 the selectmen of either of the towns of Medford or  
8 Arlington.

1   SECT. 7. This act shall take effect upon its pas-  
2 sage. [*Approved May 13, 1881.*]

NUMBER 2.

[CHAP. 6.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

In addition to “An Act to supply the town of Clinton with pure water.”

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. Chapter ninety-eight of the Acts of  
2 the year eighteen hundred and seventy-six, being  
3 An Act to supply the town of Clinton with pure  
4 water, is hereby revived and continued in force,  
5 and the time for the acceptance of the same by  
6 the town is extended for a term of three years from  
7 the passage of this act.

1 SECT. 2. This act shall take effect upon its  
2 passage. [*Approved February 4, 1881.*]

NUMBER 3.

[CHAP. 62.]

Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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RESOLVE

For a plan for the Drainage of the Mystic Valley and  
the neighborhood of the city of Boston.

1   *Resolved*, That the governor and council are hereby  
2 authorized and requested to examine and report in  
3 print to the next legislature, a plan for the drainage  
4 of the Mystic valley, with an estimate of the cost  
5 thereof and a recommendation as to the methods  
6 of apportioning said cost. And they are further  
7 authorized, within their discretion, to include the  
8 Charles River valley and the immediate neighbor-  
9 hood of the city of Boston in their investigation  
10 regarding drainage, and in any plan or recommen-  
11 dation which they think it advisable to report for the  
12 action of the legislature. For these purposes they  
13 may incur such engineering or other expenses as  
14 they may deem necessary. [*Approved May 12, 1881.*]

NUMBER 6.

[CHAP. 129.]

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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### AN ACT

In addition to the acts for the purpose of supplying  
the city of Boston with Pure Water.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1 SECTION 1. For the purpose of supplying water  
2 to its inhabitants, and especially for the purpose of  
3 increasing the supply of water which can be used  
4 for its high service, the city of Boston is hereby au-  
5 thorized by and through the agency of the Boston  
6 water board to construct and maintain new reser-  
7 voirs, and connect the same by aqueducts and pipes  
8 with its present sources of water supply, and with  
9 its present reservoirs, aqueducts and pipes, and to  
10 construct and maintain new works and pumping  
11 stations in connection with said new reservoirs ; and  
12 for this purpose may take and hold by purchase or

13 otherwise any lands or real estate necessary there-  
14 for, situate in the cities of Boston or Newton, or in  
15 the town of Brookline, and lay said aqueducts and  
16 pipes over or under any water-course or any streets,  
17 turnpike roads, railroads, highways or other ways,  
18 in such manner as not to unnecessarily obstruct or  
19 impede the travel thereon ; and may enter upon and  
20 dig up any such roads, streets or ways, for the pur-  
21 pose of laying down said pipes beneath the surface  
22 thereof, and for maintaining and repairing the same ;  
23 but always in such manner and with such care as  
24 not to render the roads, streets and ways unneces-  
25 sarily unsafe or inconvenient to the public travel  
26 thereon. And said city of Boston in performing  
27 said work shall not unnecessarily interfere with any  
28 existing sewers, water or gas pipes, and shall be  
29 subject to such reasonable regulations as to time,  
30 place and manner of digging up any streets or ways  
31 of public travel for the purposes aforesaid, and the  
32 laying of said pipes, as shall be made by the city  
33 council of the city of Newton or the selectmen of  
34 the town of Brookline, within the limits of said  
35 city or town, for the protection of their rights of  
36 drainage and sewerage therein and the public rights  
37 of passage thereon. .

1     SECT. 2. Whenever the city of Boston shall dig  
2 up any street or way as aforesaid, it shall restore  
3 the same to as good order and condition as the same  
4 shall be in when such digging commenced ; and the  
5 city of Boston shall at all times indemnify and save  
6 harmless the city of Newton and the town of Brook-

7 line against all damage which may be recovered  
8 against them respectively, and shall re-imburse to  
9 them respectively all expenses which they shall  
10 incur by reason of any defect or want of repair in  
11 any street or way, caused by the construction of said  
12 aqueduct or the laying of said pipes, or by the  
13 maintaining or repairing the same: *provided*, that  
14 the city of Boston shall have due and reasonable  
15 notice of all claims for such damages or injury, and  
16 opportunity to make a legal defence thereto.

1     SECT. 3. The city of Boston shall be liable to  
2 pay all damages that shall be sustained by any per-  
3 sons in their property by the taking of any land or  
4 real estate or the laying of said pipes as aforesaid ;  
5 and any person sustaining damage as aforesaid may  
6 have the same ascertained, determined, collected  
7 and paid in the manner which is provided in sec-  
8 tions six, seven and eight of chapter one hundred  
9 and sixty-seven of the acts of the year eighteen  
10 hundred and forty-six.

1     SECT. 4. Upon requisition by the city council of  
2 the city of Newton, or the board of selectmen of  
3 the town of Brookline, prior to the laying of the  
4 said aqueduct and pipes through their respective  
5 limits, the city of Boston shall insert a number of  
6 hydrants in said pipes at points not less than one  
7 thousand feet apart, to be used for extinguishing  
8 fires, free of charge, and for no other purpose ; and  
9 said city or town shall pay to the city of Boston the  
10 expense of inserting and keeping in repair such

11 hydrants as shall have been so inserted upon their  
12 requisitions aforesaid within their respective limits.

1     SECT. 5. This act shall take effect upon its  
2 acceptance by the city council of the city of Bos-  
3 ton. [*Approved March 24, 1881.*]

NUMBER 7.

[CHAP. 59.]

Commonwealth of Massachusetts.

---

In the Year One Thousand Eight Hundred and Eighty-one.

---

AN ACT

In addition to “An Act to incorporate the Hingham Water Company.”

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The Hingham Water Company is  
2 hereby authorized to extend its water pipes or con-  
3 duits through the towns of Hull and Cohasset, or  
4 any parts thereof, for the purpose of supplying the  
5 inhabitants of said towns, respectively, with pure  
6 water for the extinguishment of fires, generation of  
7 steam, domestic and other purposes ; and it shall  
8 have the same privileges, rights and powers in and  
9 for these localities that are granted it by chapter  
10 one hundred and thirty-nine of the acts of the year  
11 eighteen hundred and seventy-nine in and for the  
12 town of Hingham : *provided*, that whenever for any

13 reason the supply of water shall not be more than  
14 sufficient for the needs of the residents of the towns  
15 of Hingham and Hull, the residents of the towns of  
16 Hingham and Hull shall be first supplied ; and *pro-*  
17 *vided, further*, that whenever for any reason the  
18 supply of water shall not be more than sufficient  
19 for the needs of the residents of the town of Hing-  
20 ham, the residents of the town of Hingham shall  
21 be first supplied.

1   SECT. 2. Said corporation shall within ninety  
2 days after the taking of any land under this act,  
3 otherwise than by purchase, file in the registry of  
4 deeds for the county in which the land so taken  
5 lies, a description thereof sufficiently accurate for  
6 identification, with a statement of the purpose for  
7 which the same is taken, signed by the president  
8 of the corporation ; and the title of the land so  
9 taken shall vest in the said corporation.

1   SECT. 3. Said corporation may make such con-  
2 tracts with the towns of Hull and Cohasset, respec-  
3 tively, to supply water for fire or other purposes,  
4 as may be agreed upon by said towns, respectively,  
5 and said corporation.

1   SECT. 4. Any person or corporation injured in  
2 property by any of the acts of said corporation  
3 under this act, and failing to agree with said corpo-  
4 ration as to the amount of damages, may have the  
5 same assessed and determined in the manner pro-  
6 vided when land is taken for highways. There

7 shall be the same limitation as to the time in which  
8 suits for injury to person shall be brought, as is  
9 provided in section four of said chapter one hun-  
10 dred and thirty-nine of the acts of the year eighteen  
11 hundred and seventy-nine, and the same forfeitures,  
12 payments, fines and penalties for the destruction or  
13 injury of the works or property held, owned or used  
14 by said corporation, under the authority of and  
15 used for the purposes of this act, as are provided  
16 in section five of said act; and the town of Hing-  
17 ham shall have the same right to purchase the  
18 corporate property and rights acquired by said cor-  
19 poration under this act; and, in case of purchase,  
20 the same rights to issue notes, bonds, scrip or cer-  
21 tificates of debt, and to sell or pledge the same, or  
22 any part thereof, and be subject to the same lia-  
23 bilities, and have the same powers, as are provided  
24 in said former act.

1     SECT. 5. This act shall take effect upon its pas-  
2 sage. [*Approved March 3, 1881.*]

NUMBER 9.

[CHAP. 267.]

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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### AN ACT

To incorporate the Lexington Water Company.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1 SECTION 1. Moses Joy, junior, Benjamin F.  
2 Brown, George O. Whiting, Hammond Reed and  
3 Leonard A. Saville, their associates and successors,  
4 are hereby made a corporation by the name of the  
5 Lexington Water Company, for the purpose of fur-  
6 nishing the inhabitants of Lexington with pure water  
7 for the extinguishment of fires and for domestic and  
8 other purposes, with the powers and privileges, and  
9 subject to all the duties, restrictions and liabilities  
10 set forth in all general laws which now are or may  
11 hereafter be in force regulating such corporations.

1     SECT. 2. Said corporation may for the purposes  
2 aforesaid take, hold and convey through the town  
3 of Lexington, or any part thereof, the water, so far  
4 as may be necessary for the purpose, of any spring  
5 or springs situated within thirty rods of the Lincoln  
6 road, and on the southerly side thereof, at the foot  
7 of Concord hill, but not northerly of Concord road,  
8 and shall not take the waters of Vine Brook ; and  
9 may take and hold by purchase or otherwise, within  
10 the area aforesaid, for the purpose of utilizing the  
11 springs therein and for the preservation and purity  
12 of the same, any portion of the real estate there  
13 lying and being, but shall take no part of said Vine  
14 Brook ; and may take and hold also so much other  
15 real estate lying and being on the northerly side of  
16 said Lincoln road between said road and the Concord  
17 road in said town, as may be required for forming  
18 any dams or reservoirs, to hold the same, and such  
19 other real estate in said town as may be necessary  
20 for laying and maintaining aqueducts and pipes for  
21 distributing the water so taken and held ; and may  
22 lay its water pipes through any private lands, with  
23 the right to enter upon the same and dig therein  
24 for the purpose of making all necessary repairs or  
25 service connections ; and for the purposes aforesaid  
26 may carry its pipes over or under any water course,  
27 street, railroad, highway or other way, in such man-  
28 ner as not unnecessarily to obstruct the same ; and  
29 may, under the direction of the board of selectmen,  
30 enter upon and dig up any road or other way for  
31 the purpose of laying or repairing its aqueducts,  
32 pipes or other works ; and in general may do any

33 other acts and things convenient and proper for  
34 carrying out the purposes of this act.

1   SECT. 3. Said corporation shall, within sixty days  
2 after the taking of any land under the provisions  
3 of this act otherwise than by purchase, file in the  
4 registry of deeds of the southern district of Middle-  
5 sex County a description of any land so taken, suffi-  
6 ciently accurate for identification, with a statement  
7 of the purposes for which it is so taken; and the  
8 title to land so taken shall vest in said corporation.  
9 Any person or corporation injured in property by  
10 any acts of said corporation, and failing to agree  
11 with said corporation as to the amount of damages,  
12 may have the same assessed and determined in the  
13 manner provided when land is taken for highways;  
14 but no application shall be made to the county com-  
15 missioners for the assessment of damages for the  
16 taking of water rights until the water is actually  
17 taken and diverted by said corporation. Any per-  
18 son whose water rights are thus taken or affected  
19 may apply as aforesaid within three years from the  
20 time the water is actually withdrawn or diverted,  
21 and not thereafter; and no suit for injury done  
22 under this act shall be brought after two years from  
23 the date of the alleged receipt of injury.

1   SECT. 4. Said corporation may distribute the  
2 water through said Lexington; may establish and  
3 fix from time to time the rates for the use of said  
4 water, and collect the same; and may make such  
5 contracts with the town of Lexington, or with any

6 fire district, or with individuals or corporations, to  
7 supply water for fire or for other purposes, as may  
8 be agreed upon by said town or fire district or indi-  
9 viduals or corporations and said corporation.

1     SECT. 5. Said corporation, for the purposes set  
2 forth in this act, may hold real and personal estate  
3 not exceeding in amount thirty thousand dollars;  
4 and the whole capital stock shall not exceed sixty  
5 thousand dollars, to be divided into shares of fifty  
6 dollars each.

1     SECT. 6. If any person shall use any of said  
2 water taken under this act without the consent of  
3 said corporation, or shall wantonly or maliciously  
4 divert the water or any part thereof so taken, or  
5 corrupt the same or render it impure, or destroy or  
6 injure any dam, aqueduct, pipe, conduit, hydrant,  
7 machinery or other works or property held, owned  
8 or used by said corporation under the authority of  
9 and for the purposes of this act, he shall forfeit and  
10 pay to said corporation three times the amount of  
11 damages assessed therefor, to be recovered in an  
12 action of tort; and, on conviction of either of the  
13 wanton or malicious acts aforesaid, may be punished  
14 by a fine not exceeding three hundred dollars, or by  
15 imprisonment in jail not exceeding one year.

1     SECT. 7. The Lexington Water Company may  
2 issue bonds and secure the same by a mortgage on  
3 its works, structures, equipments, franchise and  
4 other property, real or personal, to an amount which

5 shall not exceed the capital stock of said company  
6 actually paid in and applied to the construction or  
7 completion of said Lexington Water Company's  
8 works.

1     SECT. 8. The town of Lexington shall have the  
2 right, at any time during the continuance of the  
3 charter hereby granted, to purchase the corporate  
4 property and all the rights and privileges of said  
5 company, at a price which may be mutually agreed  
6 upon between said corporation and the said town of  
7 Lexington; and the said corporation is authorized  
8 to make sale of the same to said town. In case said  
9 corporation and said town are unable to agree, then  
10 the compensation to be paid shall be determined by  
11 three commissioners to be appointed by the supreme  
12 judicial court upon application of either party, and  
13 notice to the other, whose award, when accepted by  
14 the said court, shall be binding upon both parties.  
15 And this authority to purchase said franchise and  
16 property is granted on condition that the same is  
17 assented to by said town by a two-thirds vote of the  
18 voters present and voting thereon at a meeting called  
19 for that purpose; the number of meetings called for  
20 that purpose in any one year not to exceed two.

1     SECT. 9. This act shall be null and void unless  
2 said corporation shall within two years from the  
3 passage hereof avail itself of its provisions, and com-  
4 mence a prosecution of the work herein authorized.

1     SECT. 10. The owners of lands and water rights

2 taken under this act, and the owners of land entered  
3 upon for the purpose of laying pipes or digging  
4 therein for the purpose of making repairs or service  
5 connections, upon application by either party for an  
6 estimate of damages, may require said corporation  
7 to give security, satisfactory to the board of select-  
8 men of said town, for the payment of all damages  
9 and costs which may be awarded to them for the  
10 land or other property taken, or for the entry for  
11 the purposes aforesaid. And if, upon petition of the  
12 owner with notice to the adverse party, the security  
13 appears to the selectmen of said town to have be-  
14 come insufficient, they shall require said corporation  
15 to give further security to their satisfaction, and all  
16 the right or authority of the corporation to enter  
17 upon or use said land and other property, except for  
18 making surveys, shall be suspended until it gives  
19 the security required.

1     SECT. 11. This act shall take effect upon its  
2 passage. [*Approved May 12, 1881.*]

NUMBER 10.

[CHAP. 77.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

To incorporate the Milford Water Company.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Moses Joy, junior, Charles W. Ship-  
2 pee, John P. Daniels, Ephraim L. Wires, Charles  
3 F. Claflin, their associates and successors, are here-  
4 by made a corporation by the name of the Milford  
5 Water Company, for the purpose of furnishing the  
6 inhabitants of Milford with pure water for the ex-  
7 tinguishment of fires, and for domestic and other  
8 purposes, with all the powers and privileges, and  
9 subject to all the duties, restrictions and liabili-  
10 ties set forth in the general laws which now are or  
11 may hereafter be in force regulating such corpora-  
12 tions.

1   SECT. 2. Said corporation may take, hold and  
2 convey through the town of Milford, or any part  
3 thereof, the water, so far as may be necessary for  
4 the purpose, of any spring or springs, or of any  
5 stream or streams, within said town of Milford, and  
6 may take and hold, by purchase or otherwise, any  
7 real estate necessary for the preservation and purity  
8 of the same, or for forming any dams or reservoirs  
9 to hold the same, and for laying and maintaining  
10 aqueducts and pipes for distributing the water so  
11 taken and held ; and may lay its water pipes through  
12 any private lands, with the right to enter upon the  
13 same and dig therein for the purpose of making all  
14 necessary repairs or service connections ; and for the  
15 purposes aforesaid may carry its pipes under or over  
16 any water-course, street, railroad, highway or other  
17 way, in such manner as not unnecessarily to obstruct  
18 the same ; and may, under the direction of the  
19 board of selectmen, enter upon and dig up any road  
20 or other way for the purpose of laying or repairing  
21 its aqueducts, pipes or other works ; and in general  
22 may do any other acts and things convenient or  
23 proper for carrying out the purposes of this act.

1   SECT. 3. Said corporation shall, within sixty days  
2 after the taking of any land or water rights under  
3 the provisions of this act, file in the registry of  
4 deeds of the county of Worcester a description of  
5 any land so taken, sufficiently accurate for identifi-  
6 cation, with a statement of the purposes for which  
7 it is so taken, and the title of the land so taken shall  
8 vest in said corporation. Any person or corporation

9 injured in any way by any acts of said corporation,  
10 and failing to agree with said corporation as to the  
11 amount of damages, may have the same assessed  
12 and determined in the manner provided when land  
13 is taken for highways; but no application shall be  
14 made to the county commissioners for the assess-  
15 ment of damages for the taking of water rights  
16 until the water is actually taken and diverted by  
17 said corporation. Any person whose water rights  
18 are thus taken or affected may apply as aforesaid  
19 within three years from the time the water is actu-  
20 ally withdrawn or diverted, and not thereafter; and  
21 no suit for injury done under this act shall be  
22 brought after three years from the date of the  
23 alleged receipt of injury.

1 SECT. 4. Said corporation may distribute the  
2 water through said Milford; may establish and fix  
3 from time to time the rates for the use of said water,  
4 and collect the same; and may make such contracts  
5 with the town of Milford, or any fire district that  
6 may hereafter be established therein, or with indi-  
7 viduals or corporations, to supply water for fire or  
8 for other purposes, as may be agreed upon by said  
9 town or fire district or individuals or corporations,  
10 and said corporation.

1 SECT. 5. Said corporation, for the purposes set  
2 forth in this act, may hold real estate not exceeding  
3 in amount sixty thousand dollars; and the whole  
4 capital stock shall not exceed one hundred thousand  
5 dollars, to be divided into shares of fifty dollars  
6 each.

1   SECT. 6. If any person shall use any of said  
2 water taken under this act, without the consent of  
3 said corporation, or shall wantonly or maliciously  
4 divert the water or any part thereof so taken, or cor-  
5 rupt the same, or render it impure, or destroy or  
6 injure any dam or aqueduct, pipe, conduit, hydrant,  
7 machinery, or other works or property held, owned  
8 or used by said corporation, under the authority of  
9 and for the purposes of this act, he shall forfeit and  
10 pay to said corporation three times the amount of  
11 damages assessed therefor, to be recovered in an  
12 action of tort; and, on conviction of either of the  
13 wanton or malicious acts aforesaid, may be punished  
14 by a fine not exceeding three hundred dollars, or by  
15 imprisonment in jail not exceeding one year.

1   SECT. 7. Said corporation may purchase from the  
2 owner or owners of any aqueduct now used in fur-  
3 nishing water to the inhabitants of said town of  
4 Milford, his or their whole water right, estate, prop-  
5 erty and privileges, and by such purchase shall be-  
6 come entitled to all the rights and privileges, and  
7 subject to all the liabilities and duties, appertaining  
8 and belonging to such owner or owners.

1   SECT. 8. The Milford Water Company may issue  
2 bonds, and secure the same by a mortgage on its  
3 works, structures, equipments, franchise, and other  
4 property, real or personal, to an amount which shall  
5 not exceed the capital stock of said company actu-  
6 ally paid in and applied to the construction or com-  
7 pletion of said Milford Water Company's works.

1   SECT. 9. The town of Milford shall have the  
2 right at any time during the continuance of the  
3 charter hereby granted, to purchase the corporate  
4 property and all the rights and privileges of said  
5 company, at a price which may be mutually agreed  
6 upon between said corporation and the said town of  
7 Milford ; and the said corporation is authorized to  
8 make sale of the same to said town. In case said  
9 corporation and said town are unable to agree, then  
10 the compensation to be paid shall be determined by  
11 three commissioners, to be appointed by the supreme  
12 judicial court upon application of either party and  
13 notice to the other, whose award, when accepted by  
14 said court, shall be binding upon both parties. And  
15 this authority to purchase said franchise and prop-  
16 erty is granted on condition that the same is assent-  
17 ed to by said town by a two-thirds vote of the voters  
18 present and voting thereon, at a meeting called for  
19 that purpose.

1   SECT. 10. This act shall be null and void unless  
2 said corporation shall within three years from the  
3 passage thereof avail itself of its provisions, and  
4 commence a prosecution of the work herein author-  
5 ized.

1   SECT. 11. The owners of lands and water rights  
2 taken under this act, upon application by either  
3 party for an estimate of damages, may require said  
4 corporation to give security, satisfactory to the board  
5 of selectmen of said town, for the payment of all  
6 damages and costs which may be awarded to them

7 for the land or other property taken. And if, upon  
8 petition of the owner with notice to the adverse  
9 party, the security appears to the selectmen of said  
10 town to have become insufficient, they shall require  
11 said corporation to give further security to their  
12 satisfaction, and all the right or authority of the cor-  
13 poration to enter upon or use said land and other  
14 property, except for making surveys, shall be sus-  
15 pended until it gives the security required.

1   SECT. 12. This act shall take effect upon its  
2 acceptance by a vote of a majority of the legal voters  
3 of said town of Milford, present and voting at a  
4 meeting duly warned for that purpose. [*Approved*  
5 *March 9, 1881.*

NUMBER 14.

[CHAP. 76.]

Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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AN ACT

To incorporate the Uxbridge Water Company.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. Moses Taft, Alonzo W. Bennett,  
2 Charles A. Taft, Martin S. Brown, William E. Hay-  
3 ward, Eben B. Hayward, J. Walter Day, George  
4 F. Day and Lewis H. Murdock, their associates and  
5 successors, are hereby made a corporation by the  
6 name of the "Uxbridge Water Company," for the  
7 purpose of furnishing the inhabitants of Uxbridge  
8 with pure water for the extinguishment of fires,  
9 domestic and other purposes ; with all the powers  
10 and privileges, and subject to all the duties, restric-  
11 tions and liabilities set forth in all general laws  
12 which now are or hereafter may be in force appli-  
13 cable to such corporations.

1   SECT. 2. Said corporation, for all the purposes  
2 aforesaid, may take, hold and convey into and  
3 through the town of Uxbridge, or any part thereof,  
4 the water in what is known as the Zadok A. Taft  
5 Brook, together with the springs which feed and  
6 supply said brook, situated near the centre village  
7 of said town, on the southwesterly side of the road  
8 leading from Main street to Pascoag, R.I. (said  
9 springs being on land of O. C. Smiley), and may  
10 take and hold, by purchase or otherwise, any real  
11 estate necessary for the preservation and purity of  
12 the same, or for forming any dams or reservoirs to  
13 hold the same, and for laying and maintaining aque-  
14 ducts and pipes for distributing the waters so taken  
15 and held; and may lay its water pipes through any  
16 private lands, with the right to enter upon the same  
17 and dig therein for the purpose of making all ne-  
18 cessary repairs; and for the purposes aforesaid may  
19 carry its pipes under or over any water-course,  
20 street, railroad, highway or other way, in such man-  
21 ner as not to unnecessarily obstruct the same; and  
22 may, under the direction of the board of selectmen,  
23 enter upon and dig up any road or other way for  
24 the purpose of laying or repairing its aqueducts,  
25 pipes, or other works; and in general may do any  
26 other acts and things necessary and proper for car-  
27 rying out the purposes of this act.

1   SECT. 3. Said corporation shall, within sixty days  
2 after the taking of any land under the provisions of  
3 this act, file in the registry of deeds of the county  
4 of Worcester a description of any land so taken,

5 sufficiently accurate for identification, with a state-  
6 ment of the purposes for which it is so taken ; and  
7 the title to the land so taken shall vest in said cor-  
8 poration. Any person injured in his property by  
9 any acts of said corporation, and failing to agree  
10 with said corporation as to the amount of damages,  
11 may have the same assessed and determined in the  
12 manner provided when land is taken for highways ;  
13 and no suit for injury done under this act shall be  
14 brought after three years from the date of the  
15 alleged receipt of injury.

1   SECT. 4. Said corporation may distribute the  
2 water through said Uxbridge ; may establish and fix  
3 from time to time the rates for the use of said water,  
4 and collect the same ; and may make such contracts  
5 with the town of Uxbridge, or any fire district that  
6 may be hereafter established, or with individuals, to  
7 supply water for fires or for other purposes, as may  
8 be agreed upon by said town, or such fire district  
9 or individuals, and said corporation.

1   SECT. 5. Said corporation, for the purposes set  
2 forth in this act, may hold real and personal estate  
3 not exceeding ten thousand dollars in value ; and  
4 the whole capital stock shall not exceed ten thou-  
5 sand dollars, to be divided into shares of one hun-  
6 dred dollars each.

1   SECT. 6. If any person shall use any of said  
2 water taken under this act, without the consent of  
3 said corporation, or shall wantonly or maliciously

4 divert the water, or any part thereof so taken, or  
5 corrupt the same, or render it impure, or destroy or  
6 injure any dam, aqueduct, pipe, conduit, hydrant,  
7 machinery, or other works or property held, owned  
8 or used by said corporation under the authority of  
9 and for the purposes of this act, he shall forfeit and  
10 pay to said corporation three times the amount as-  
11 sessed therefor, to be recovered in an action of tort ;  
12 and on conviction of either of the wanton or mali-  
13 cious acts aforesaid, may be punished by a fine not  
14 exceeding three hundred dollars, or by imprisonment  
15 in jail not exceeding one year.

1     SECT. 7. The town of Uxbridge, and any fire dis-  
2 trict that may be established therein, shall have the  
3 right, at any time during the continuance of the  
4 charter hereby granted, to purchase the corporate  
5 property and all the rights and privileges of said  
6 company, at the actual cost of the same ; or, if  
7 mutually agreed upon between said corporation and  
8 said town or any such fire district, at a less price ;  
9 and said corporation is hereby authorized to make  
10 sale of the same to said town or such fire district ;  
11 but such authority to purchase said franchise and  
12 property is granted to said town, or fire district,  
13 upon the condition that the same is assented to by  
14 said town or fire district by a two-thirds vote of the  
15 voters present and voting thereon at any annual  
16 meeting, or at a legal meeting called to act on the  
17 subject.

1     SECT. 8. The owners of lands and water rights

2 taken under this act, upon application by either  
3 party for an estimate of damages, may require said  
4 corporation to give security, satisfactory to the board  
5 of selectmen of said town, for the payment of all  
6 damages and costs which may be awarded to them  
7 for the land or other property taken. And if, upon  
8 petition of the owner with notice to the adverse  
9 party, the security appears to the selectmen of said  
10 town to have become insufficient, they shall require  
11 said corporation to give further security to their  
12 satisfaction, and all the right or authority of the  
13 corporation to enter upon and use said land and  
14 other property, except for making surveys, shall be  
15 suspended until it gives the security required.

1     SECT. 9. This act shall be null and void unless  
2 said corporation shall within three years from the  
3 passage thereof avail itself of its provisions, and  
4 commence a prosecution of the work herein author-  
5 ized.

1     SECT. 10. This act shall take effect upon its pas-  
2 sage. [*Approved March 9, 1881.*]

NUMBER 16.

[CHAP. 79.]

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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### AN ACT

In addition to “An Act for supplying South Adams with pure Water.”

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The South Adams fire district is  
2 authorized by and through the agency of the pr  
3 dential committee of said district, for the purpose  
4 of furnishing an additional supply of water for the  
5 purposes mentioned in chapter one hundred and  
6 ninety-seven of the acts of the year one thousand  
7 eight hundred and seventy-three, to take and hold,  
8 by purchase or otherwise, in addition to the water,  
9 water rights and lands now held by said district,  
10 under and by virtue of said chapter, any lands on or  
11 near Bassett's Brook in the towns of Cheshire and  
12 Adams, so far as the same may be necessary to

13 erect and maintain one or more dams to raise and  
14 retain the water in said brook, make and maintain  
15 reservoirs, lay aqueducts for discharging said waters,  
16 preserving the purity thereof, and securing a way  
17 to and from the same.

1     SECT. 2. Said district shall be liable to pay all  
2 damages sustained by any person or corporation in  
3 their property, by taking of any lands by said dis-  
4 trict for the purposes aforesaid. If any person or  
5 corporation sustaining damage as aforesaid cannot  
6 agree with said district upon the amount of said  
7 damages, they may have them assessed in the man-  
8 ner provided by law with respect to land taken for  
9 highways.

1     SECT. 3. For the purpose of defraying the ex-  
2 penses which may be incurred by said district in  
3 carrying into effect the powers granted by this act,  
4 the town of Adams may issue from time to time  
5 notes, scrip, or certificates of debt, to be denomi-  
6 nated on the face thereof "South Adams Water  
7 Scrip," to an amount not exceeding twenty thousand  
8 dollars, and bearing interest not exceeding six per  
9 centum per annum. Said interest shall be paid  
10 semi-annually, and the principal shall be payable at  
11 a period not more than twenty years from the issue  
12 of said notes, scrip, or certificates respectively. All  
13 notes, scrip, or certificates issued as aforesaid, shall  
14 be signed by the treasurer of said town and counter-  
15 signed by the chairman of the selectmen, and a  
16 record of said notes, scrip, and certificates shall be

17 made and kept by said treasurer. The town of  
18 Adams may loan said notes, scrip, or certificates to  
19 the South Adams fire district upon such terms and  
20 conditions as may be by said town prescribed; and  
21 said district may sell the same or any part thereof,  
22 from time to time, or pledge the same for money  
23 borrowed for the purpose aforesaid, upon such rates,  
24 or upon such terms, as said fire district shall deem  
25 proper.

1     SECT. 4. The town of Adams may assess and  
2 collect upon the estates real and personal in said  
3 fire district all taxes necessary to pay the principal  
4 and interest of the notes, scrip, and certificates issued  
5 and loaned as aforesaid.

1     SECT. 5. Said fire district shall, within six  
2 months from the time of taking any lands as before  
3 provided, file in the registry of deeds of the north-  
4 ern district of Berkshire an accurate description of  
5 the lands so taken; and said district shall, upon the  
6 written request of any person whose lands are so  
7 taken, furnish him with an accurate description of  
8 the same.

1     SECT. 6. The provisions of section ten of said  
2 chapter are hereby extended and shall apply to any  
3 lands, dams and works taken, erected or maintained  
4 by said district under and by virtue of this act.

1     SECT. 7. This act shall take effect upon its pas-  
2 sage. [*Approved March 12, 1881.*]

NUMBERS 17 & 45.

[CHAP. 65.]

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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### RESOLVE

In favor of the State Prison at Concord.

1     *Resolved*, That there be allowed and paid out of the  
2 treasury of the Commonwealth a sum not exceeding  
3 six thousand dollars, to be expended under the ap-  
4 proval of the commissioners of prisons, for the  
5 ventilation of the state prison buildings, and for the  
6 disposition of the sewage in the prison precincts.  
7 The board of health, lunacy and charity, whenever  
8 requested so to do by the selectmen of the town of  
9 Concord, shall ascertain whether the sewage of the  
10 state prison has been purified or cleansed in a man-  
11 ner satisfactory to said board. If upon investigation  
12 they shall find that it has not been so purified or  
13 cleansed, they shall forthwith notify the board of  
14 commissioners of prisons to that effect, and said board  
15 of commissioners shall thereupon forthwith proceed  
16 to purify and cleanse said sewage in such manner

17 as said board of health, lunacy and charity shall in  
18 writing approve, or so dispose of the same that no  
19 part thereof shall enter the Assabet River. [*Ap-*  
20 *proved May 12, 1881.*

NUMBER 18.

[CHAP. 174.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

To Supply the Town of Weymouth with Pure Water.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The town of Weymouth is hereby  
2 authorized to supply itself and its inhabitants with  
3 pure water to extinguish fires, generate steam, and  
4 for domestic and other uses ; and may establish pub-  
5 lic fountains and hydrants, regulate their use, and  
6 discontinue the same, and may collect such rents as  
7 may be fixed for the use of said water.

1 SECT. 2. Said town, for the purposes aforesaid,  
2 may take and hold the waters of Weymouth Great  
3 Pond, so called, in the town of Weymouth, and the  
4 waters which flow into and from the same, together  
5 with any water rights connected therewith, and  
6 may also take and hold, by purchase or otherwise,  
7 all necessary lands for raising, flowing, holding,

8 diverting, conducting, purifying and preserving such  
9 waters, and conveying the same to any and all parts  
10 of said town of Weymouth ; and may erect thereon  
11 proper dams, reservoirs, buildings, fixtures, and  
12 other structures, and make excavations and em-  
13 bankments, and procure and run machinery there-  
14 for ; and for the purposes of this act may construct  
15 and lay down conduits, pipes, and drains in, under,  
16 or over any lands, water courses, or railroads, and  
17 along any street, highway, alley, or other way,  
18 but in such a manner as not unnecessarily to  
19 obstruct the same ; and for the purpose of con-  
20 structing, laying down, maintaining, and repairing  
21 such conduits, pipes and drains, and for all other  
22 proper purposes of this act, may dig up, raise,  
23 and embank any such lands, street, highway, alley,  
24 or other way, in such a manner as to cause the  
25 least hindrance to travel thereon: *provided*, that  
26 within ninety days after the time of taking any  
27 lands, waters, or water courses as aforesaid, other-  
28 wise than by purchase, said town shall file in the  
29 registry of deeds for the county of Norfolk a de-  
30 scription thereof sufficiently accurate for identifica-  
31 tion, with a statement of the purposes for which the  
32 same is taken, signed by a majority of the water  
33 commissioners hereinafter named.

1     SECT. 3. Said town of Weymouth shall be liable  
2 to pay all damages sustained by any persons or corpo-  
3 rations in their property by the taking of any lands,  
4 water, or water rights, or by the construction of any  
5 aqueducts or other works for the purposes aforesaid.

7 If any person or corporation sustaining damages  
8 as aforesaid cannot agree with the town upon the  
9 amount of such damages, they may have them  
10 assessed in the manner provided by law with respect  
11 to land taken for highways ; but no application shall  
12 be made to the county commissioners for the assess-  
13 ment of damages for the taking of water rights,  
14 until the water is actually taken and diverted by  
15 said town. Any person whose water rights are  
16 thus taken or affected may apply as aforesaid with-  
17 in three years from the time the water is actually  
18 withdrawn or diverted, and not thereafterwards.

1 SECT. 4. For the purpose of paying all necessary  
2 expenses and liabilities incurred under the provisions  
3 of this act, said town of Weymouth shall have  
4 authority, from time to time, to issue notes, bonds,  
5 or scrip, signed by its treasurer and countersigned  
6 by the chairman of the selectmen thereof, to be  
7 denominated "Weymouth Water Loan," to an  
8 amount not exceeding three hundred thousand dol-  
9 lars, payable at periods not exceeding thirty years  
10 from the date thereof, with interest payable semi-  
11 annually, at a rate not exceeding seven per centum  
12 per annum ; and said town may sell said bonds at  
13 public or private sale, upon such terms and condi-  
14 tions as it may deem proper, and may raise money  
15 by taxation to pay said bonds and interest thereon  
16 when due ; but said town shall not raise more than  
17 five thousand dollars in any one year to pay the  
18 principal of said bonds, except the year in which  
19 the same may become due.

1     SECT. 5. The treasurer of said town and the  
2 chairman of the selectmen thereof, *ex officiis*, and  
3 three persons to be elected by ballot by the said  
4 inhabitants, as hereinafter provided, shall form a  
5 board of water commissioners, who shall execute,  
6 superintend and direct the performance of all the  
7 works, matters and things mentioned in this act,  
8 and exercise all the rights, powers and privileges  
9 hereby granted, and not otherwise specifically pro-  
10 vided for herein, subject to the vote of said town.

1     SECT. 6. At any annual meeting of the inhabit-  
2 ants of said town, or at any special meeting called  
3 for the purpose, one of the three persons to be  
4 elected according to the provisions of the preceding  
5 section shall be elected for a term ending one year,  
6 one for a term ending two years, and one for a term  
7 ending three years, from the next succeeding annual  
8 town meeting; after which first election a member  
9 of said board, as the term of each expires, shall be  
10 elected at the annual town meeting for the term of  
11 three years. Vacancies may be filled at any town  
12 meeting duly called for the purpose. Said commis-  
13 sioners shall receive such compensation as the said  
14 town by vote may prescribe; and a majority of said  
15 commissioners shall be a quorum for the exercise of  
16 the powers and duties prescribed by this act.

1     SECT. 7. Said water commissioners shall, from  
2 time to time, establish such prices or rents for the  
3 use of the water, as to provide annually, if practica-  
4 ble, from the net income and receipt therefor, for the

5 payment of the interest on the "Weymouth Water  
6 Loan," and also, after three years from the introduc-  
7 tion of the water into said town, for the further  
8 payment of not less than one per centum of the prin-  
9 cipal of said bonds. The net surplus income and  
10 receipts, after deducting all expenses, interest and  
11 charges of distribution, shall be set apart as a sink-  
12 ing fund, and applied solely to the payment of the  
13 principal of said bonds until the same are fully paid  
14 and discharged. Said water commissioners shall be  
15 trustees of said fund, and shall annually, and as often  
16 as said town may require, render an account of all  
17 their doings in relation thereto.

1     SECT. 8. At any time after the expiration of  
2 three years from the introduction of said water into  
3 said town, and before the reimbursement of the prin-  
4 cipal of said "Weymouth Water Loan," if the sur-  
5 plus income and receipts for the use of the water  
6 distributed under this act at the price established  
7 by the water commissioners, after deducting all ex-  
8 penses and charges of distribution, shall for any  
9 two successive years be insufficient to pay the accru-  
10 ing interest on the said loan, and the one per centum  
11 to the sinking fund as aforesaid, then the supreme  
12 judicial court, or any justice thereof, on the petition  
13 of twenty-five or more of the legal voters of said  
14 town, praying that the said price of said water be in-  
15 creased so far as may be necessary for the purpose  
16 of paying from the said surplus income and receipts  
17 the said accruing interest, and the said one per  
18 centum to the sinking fund, — and upon due notice

19 of the pendency of such petition, given to said town  
20 in such manner as said court shall order, — may  
21 appoint three commissioners, who, upon due notice  
22 to the parties interested, may raise and increase the  
23 said price if they shall judge proper, so far as may  
24 be necessary for the purpose aforesaid, and no  
25 further; and the award of said commissioners, or  
26 the major part of them, being returned to said court  
27 at the next term thereof, for the county of Norfolk,  
28 and accepted by said court, shall be binding and  
29 conclusive for the term of three years next after the  
30 said acceptance, and until the price so fixed shall,  
31 after said term, be changed by the said water com-  
32 missioners or by said town.

1     SECT. 9. The occupant of any tenement or build-  
2 ing shall be liable for the payment of the rent for the  
3 use of the water in such tenement or building, and  
4 the owner thereof shall also be liable, on being no-  
5 tified of such use, until he shall object thereto by  
6 written notice to said water commissioners.

1     SECT. 10. Any person who shall use said water  
2 without the consent of the town, or who shall wan-  
3 tonly or maliciously divert the water, or any part  
4 thereof, taken, held or used under the provisions of  
5 this act, or who shall wantonly or maliciously cor-  
6 rupt the same, or render it impure, or who shall  
7 wantonly or maliciously destroy or injure any dam,  
8 conduit, aqueduct, pipe or hydrant, or other prop-  
9 erty, real or personal, held, owned or used by the  
10 said town for the purposes of this act, shall pay



11 three times the actual damage to said town, to be  
12 recovered in an action of tort. Any such person, on  
13 conviction of either of the wanton or malicious acts  
14 aforesaid, shall be punished by fine not exceeding  
15 one hundred dollars, or imprisonment not exceeding  
16 six months, or both said penalties.

1     SECT. 11. This act shall take effect upon its  
2 passage ; but nothing shall be done, or any expendi-  
3 ture made, or liability incurred under the same,  
4 except for preliminary surveys and estimates, unless  
5 this act shall first be accepted by vote of a majority  
6 of the legal voters of said town, present and voting  
7 thereon at a legal meeting called for that purpose,  
8 within three years from the date of the passage of  
9 this act ; the number of said meetings called for  
10 that purpose in one year not to exceed three. [*Ap-*  
11 *proved April 6, 1881.*

NUMBER 20.

[CHAP. 206.]

Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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AN ACT

To supply the Town of Framingham with Pure Water.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The town of Framingham is hereby  
2 authorized to supply itself and its inhabitants with  
3 pure water to extinguish fires, generate steam, and  
4 for domestic and other uses ; to establish fountains  
5 and hydrants ; to regulate their use, and re-locate  
6 or discontinue the same, and to fix and collect rents  
7 for the use of said water.

1 SECT. 2. Said town may take and hold of the  
2 waters of Farm Pond and Sudbury River in said  
3 Framingham, and the waters flowing into said Farm  
4 Pond and Sudbury River, so much as may be neces-  
5 sary for the purpose specified in section one of this  
6 act, and may convey into and through said town of

7 Framingham said waters ; and may also take and  
8 hold, by purchase or otherwise, all necessary lands  
9 for raising, diverting, flowing and holding said  
10 waters, and securing and preserving the purity of  
11 the same, and such other lands in said town of  
12 Framingham as may be necessary to construct and  
13 maintain one or more storing and distributing reser-  
14 voirs ; and may erect on said land proper dams,  
15 buildings, fixtures and other structures, and make  
16 thereon excavations and embankments, and pro-  
17 cure and run machinery therefor, with such other  
18 means and appliances as may be necessary for com-  
19 plete and effective water works ; and for such pur-  
20 poses may construct and lay down conduits, pipes and  
21 drains in, under or over any lands, water courses,  
22 roads or railroads, and along any street, highway,  
23 alley or other way, in such manner as not to un-  
24 necessarily obstruct the same ; and for the purpose  
25 of constructing, laying down, maintaining and repair-  
26 ing such conduits, pipes and drains, and for all other  
27 purposes of this act, may dig up, raise and embank  
28 any such lands, street, highway, alley or other way,  
29 in such manner as to cause the least hindrance to  
30 travel thereon ; and in general may do any other  
31 acts and things necessary, convenient or proper for  
32 carrying out the purposes of this act.

1     SECT. 3.   The town of Framingham shall, within  
2 ninety days from the time it shall take any lands  
3 for the purposes of this act, file in the registry of  
4 deeds of the county and district in which said lands  
5 lie, a description of the land so taken as certain as

6 is required in a common conveyance of lands, and  
7 a statement of the purposes for which they are  
8 taken ; which description and statement shall be  
9 signed by a majority of the selectmen of said town.

1     SECT. 4.   The said town of Framingham shall be  
2 liable to pay all damages sustained by any person,  
3 persons or corporation in their property, by the tak-  
4 ing of any lands, water, water sources, water rights  
5 or easements, or by the construction of any dams,  
6 aqueducts, reservoirs, water ways or other works,  
7 for the purposes of this act. If any person, per-  
8 sons or corporations sustaining damages as afore-  
9 said cannot agree with the town upon the amount  
10 of damages to be paid therefor, such person, persons  
11 or corporation may have said damages assessed by  
12 the county commissioners for the county of Middle-  
13 sex, by making an application in writing therefor  
14 to said commissioners within three years from the  
15 taking of such lands, water, water sources, water  
16 rights or easements, or the construction of dams,  
17 reservoirs or other works, occasioning injury or  
18 damage as aforesaid, but not thereafter ; and if  
19 either party be aggrieved by the doings of said  
20 county commissioners in the estimation of said  
21 damages, he or they may have said damages deter-  
22 mined by a jury ; and said commissioners and jury  
23 shall have the same powers, and the proceedings in  
24 all respects shall be conducted in the same manner,  
25 as is provided by law with respect to damages for  
26 land taken for highways.

1   SECT. 5. Three persons, to be elected by ballot  
2 by the said inhabitants, as hereafter provided, shall  
3 form a board of water commissioners, who shall  
4 execute, superintend and direct the performance of  
5 all the works, matters and things mentioned in this  
6 act, and exercise all the rights, powers and privi-  
7 leges hereby granted, and not otherwise specifically  
8 provided for herein, subject to the vote of said  
9 town. At any special or annual meeting of the  
10 inhabitants of said town, called for the purpose,  
11 one of the said board of water commissioners shall  
12 be elected for three years, one for two years and  
13 one for one year, from the next succeeding annual  
14 town meeting; after which first election, one third  
15 of said board, as the term expires, shall be elected  
16 at the annual town meeting for the term of three  
17 years. The said commissioners shall receive such  
18 salaries or compensation as the town by vote may  
19 prescribe, and a majority of said commissioners shall  
20 be a quorum for the exercise of the powers and  
21 duties prescribed by this act. Such commissioners  
22 shall be subject to such ordinances, rules and regu-  
23 lations, in the execution of their trust, as the town  
24 may from time to time ordain and establish, not  
25 inconsistent with provisions of this act, and the  
26 laws of the Commonwealth. Any vacancy occur-  
27 ring in said board of commissioners from any cause  
28 may be filled by said town at any legal town meet-  
29 ing for the unexpired term.

1   SECT. 6. For the purpose of paying all necessary  
2 expenses and liabilities incurred under the provis-

3 ions of this act, said town shall have authority to  
4 issue notes, bonds or scrip from time to time signed  
5 by the treasurer, and countersigned by the chairman  
6 of the selectmen, to be denominated on the face  
7 thereof "Framingham Water Loan," to an amount  
8 not exceeding two hundred and fifty thousand dol-  
9 lars, payable at periods not exceeding thirty years  
10 from the date thereof, with interest payable semi-  
11 annually at a rate not exceeding six per centum per  
12 annum ; and said town may sell said securities at  
13 public or private sale, or pledge the same for money  
14 borrowed for the purposes of this act, upon such  
15 terms and conditions as it may deem proper. And  
16 said town shall annually raise by taxation an amount  
17 sufficient, together with the net income and receipts  
18 from rent for the use of said water, to pay the in-  
19 terest on said loans as it accrues ; and shall also,  
20 within two years after the introduction of water  
21 into said town of Framingham, establish a sinking  
22 fund, and contribute thereto from year to year an  
23 amount raised annually by taxation, which, together  
24 with the net surplus income and receipts, after  
25 deducting all interest, expenses and charges of dis-  
26 tribution, if any remains, shall be sufficient with the  
27 accumulations of such amounts to extinguish said  
28 loan at maturity ; and said sinking fund shall be  
29 applied to the payment of the principal of said loan  
30 until the same is fully discharged and paid, and for  
31 no other purpose. The board of water commis-  
32 sioners herein before named shall be the trustees  
33 of said fund, and shall report the condition of the  
34 same, and render an account of all their doings in  
35 relation thereto annually to the town.

1   SECT. 7. Whoever wilfully corrupts, pollutes or  
2 diverts any of the waters taken under this act, or  
3 injures any dam, reservoir, aqueduct, conduit, pipe  
4 or other property owned or used by said town for  
5 the purposes of this act, shall forfeit and pay to  
6 said town three times the amount of damages  
7 assessed therefor, to be recovered in an action of  
8 tort; and upon conviction of either of the above  
9 acts shall be punished by a fine of not less than  
10 thirty nor more than three hundred dollars, or by  
11 imprisonment in jail not exceeding one year, or by  
12 an infliction of both the above penalties.

1   SECT. 8. The occupant of any tenement shall  
2 be liable for the payment of the rent for the use of  
3 water in such tenement, and the owner shall also  
4 be liable if, on being notified of such use, he does  
5 not object thereto.

1   SECT. 9. This act shall take effect upon its pas-  
2 sage; but no expenditure shall be made, or liability  
3 incurred, under the same, except for preliminary  
4 surveys and estimates, unless this act shall first be  
5 accepted by a vote of two thirds of the legal voters  
6 of said town present and voting thereon, at a legal  
7 meeting called for that purpose within three years  
8 from the passage of this act, and not more than  
9 three of said meetings shall be called each year,  
10 during said years. [*Approved April 20, 1881.*]

NUMBER 23.

[CHAP. 167.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

To incorporate the Gloucester Water Supply Company.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1 SECTION 1. Joseph O. Procter, Robert R. Fears,  
2 Samuel A. Stacy, Robert A. Tibbets, Nehemiah D.  
3 Cunningham, their associates and successors, are  
4 hereby made a corporation by the name of the  
5 Gloucester Water Supply Company, for the purpose  
6 of furnishing the inhabitants of Gloucester with  
7 pure water for the extinguishment of fires and for  
8 domestic, mechanical and other purposes ; with all  
9 the powers and privileges, and subject to all the  
10 duties, restrictions and liabilities set forth in all gen-  
11 eral laws which now are or hereafter may be in  
12 force applicable to such corporations.

1   SECT. 2. Said corporation may for the purposes  
2 aforesaid take, hold and convey through the city of  
3 Gloucester, or any part thereof, the water of any  
4 springs, natural ponds, brooks or other water sources  
5 in ward eight of said city, and may take and hold  
6 by purchase or otherwise any real estate necessary  
7 for the preservation and purity of the same, or for  
8 forming any dams or reservoirs to hold the same,  
9 and for laying and maintaining aqueducts and pipes  
10 for distributing the water so taken and held; and  
11 may lay its water pipes through any private lands,  
12 with the right to enter upon the same and dig there-  
13 in for the purpose of making all necessary repairs or  
14 service connections; and for the purposes aforesaid  
15 may carry its pipes under or over any water course,  
16 street, railroad, highway or other way, in such man-  
17 ner as not unnecessarily to obstruct the same; and  
18 may, under the direction of the city authorities of  
19 Gloucester, enter upon and dig up any road or other  
20 way for the purpose of laying or repairing its aque-  
21 ducts, pipes or other works; and in general may do  
22 any other acts and things convenient and proper for  
23 carrying out the purposes of this act.

1   SECT. 3. Said corporation shall, within sixty days  
2 after the taking of any land or water rights under  
3 the provisions of this act, otherwise than by pur-  
4 chase, file in the registry of deeds for the southern  
5 district of the county of Essex a description of any  
6 land so taken, sufficiently accurate for identification,  
7 with a statement of the purposes for which it is so  
8 taken, and the title of the land so taken shall vest

9 in said corporation. Any person or corporation in-  
10 jured in property by any acts of said corporation,  
11 and failing to agree with said corporation as to the  
12 amount of damages, may have the same assessed  
13 and determined in the manner provided when land  
14 is taken for highways; but no application shall be  
15 made to the county commissioners for the assessment  
16 of damages for the taking of water rights until the  
17 water is actually taken and diverted by said corpora-  
18 tion. Any person whose water rights are thus taken  
19 or affected may apply as aforesaid within three years  
20 from the time the water is actually withdrawn or  
21 diverted, and not thereafter; and no suit for injury  
22 done under this act shall be brought after three  
23 years from the date of the alleged receipt of injury.

1     SECT. 4. Said corporation may distribute the  
2 water through said city of Gloucester, may estab-  
3 lish and fix from time to time rates for the use of  
4 said water, and collect the same, and make such  
5 contracts with the said city of Gloucester, or with  
6 individuals, or corporations, to supply water for fire  
7 or for other purposes, as may be agreed upon by said  
8 city, or individuals, or corporations, and said corpo-  
9 ration. The city of Gloucester, by a majority vote  
10 of its city council present and voting jointly thereon,  
11 is hereby authorized to contract for a supply of water  
12 for fire or other purposes, for a term of years with  
13 said Gloucester Water Supply Company: *provided*,  
14 the contract is assented to by said city by a majority  
15 vote of the voters present and voting thereon at  
16 meetings called for that purpose in the several wards  
17 of said city.

1   SECT. 5. The capital stock of said corporation  
2 shall not exceed three hundred and fifty thousand  
3 dollars and shall be divided into shares of one hun-  
4 dred dollars each ; and said corporation may at any  
5 time issue bonds to an amount equal to the capital  
6 stock actually paid in.

1   SECT. 6. If any person shall use any of said  
2 water taken under this act, without the consent of  
3 said corporation, or shall wantonly or maliciously  
4 divert the water or any part thereof so taken, or  
5 corrupt the same, or render it impure, or destroy or  
6 injure any dam or aqueduct, pipe, conduit, hydrant,  
7 machinery, or other works or property held, owned .  
8 or used by said corporation, under the authority of  
9 and for the purposes of this act, he shall forfeit and  
10 pay to said corporation three times the amount of  
11 damages assessed therefor, to be recovered in an  
12 action of tort ; and on conviction of either of the  
13 wanton or malicious acts aforesaid may be punished  
14 by a fine not exceeding three hundred dollars, or by  
15 imprisonment in jail not exceeding one year.

1   SECT. 7. The city of Gloucester shall have the  
2 right, at any time during the continuance of the  
3 charter hereby granted, to purchase the corporate  
4 property and all the rights and privileges of said  
5 company, at a price which may be mutually agreed  
6 upon between said corporation and the said city of  
7 Gloucester ; and the said corporation is authorized  
8 to make sale of the same to said city. In case said  
9 corporation and said city are unable to agree, then

10 the compensation to be paid shall be determined by  
11 three commissioners, to be appointed by the supreme  
12 judicial court upon application of either party and  
13 notice to the other, whose award, when accepted by  
14 the court, shall be binding upon both parties. And  
15 this authority to purchase said franchise and prop-  
16 erty is granted on condition that the same is assented  
17 to by said city by a two-thirds vote of the voters  
18 present and voting thereon at meetings called for  
19 that purpose in the several wards of said city.

1     SECT. 8. For the purposes of defraying the cost  
2 of such property, lands, water and water rights as  
3 shall be purchased for the purposes aforesaid, the  
4 city of Gloucester through its treasurer may from  
5 time to time issue notes, bonds, scrip or certificates  
6 of debt, to be denominated on the face thereof  
7 Gloucester Water Loan, to any amount not exceed-  
8 ing the amount paid by the city for said purchase,  
9 and bearing interest at a rate not exceeding six per  
10 centum per annum payable semi-annually, and the  
11 principal being payable at periods of not more than  
12 thirty years from the issue of said notes, bonds, scrip  
13 or certificates of debt, respectively.

14     Said treasurer, under the authority of the city  
15 council, may sell such notes, bonds, scrip or certifi-  
16 cates of debt, or any part thereof, from time to time,  
17 or pledge the same for any money borrowed for the  
18 purposes aforesaid, on such terms and conditions as  
19 may be prescribed by the city council, or, in case the  
20 city council prescribe no terms and conditions, on  
21 such terms and conditions as he may deem proper ;

22 and said city shall annually raise by taxation an  
23 amount sufficient together with the net income re-  
24 ceived from rents for the use of said water, to pay  
25 the interest on said loans as it accrues; and shall  
26 establish at the time of contracting said debt a sink-  
27 ing fund, and contribute thereto from year to year an  
28 amount raised by taxation, not exceeding ten thou-  
29 sand dollars in any one year, sufficient with its accu-  
30 mulations to extinguish the debt at maturity; and  
31 said sinking fund shall remain inviolate and pledged  
32 to the payment of said debt and shall be used for no  
33 other purpose.

1     SECT. 9. In case the city of Gloucester shall pur-  
2 chase the property, rights, privileges and franchises  
3 of the corporation established by this act, the said  
4 city shall exercise all the rights, powers and author-  
5 ity and be subject to all the restrictions, duties and  
6 liabilities herein contained, in such manner and by  
7 such officers, servants or agents as said city may  
8 direct, and the said city shall be liable to damages  
9 for land, water or water rights taken for the pur-  
10 poses set forth in this act which shall not have been  
11 previously paid by said corporation.

1     SECT. 10. This act shall be null and void unless  
2 within three years from its passage said corporation  
3 shall avail itself of its provisions, and commence a  
4 prosecution of the work herein authorized.

1     SECT. 11. The owners of lands and water rights  
2 taken under this act, upon application by either

3 party for an estimate of damages, may require said  
4 corporation to give security, satisfactory to the board  
5 of aldermen of said city, for the payment of all  
6 damages and costs which may be awarded to them  
7 for the land or other property taken. And if, upon  
8 petition of the owner, with notice to the adverse  
9 party, the security appears to the aldermen of said  
10 city to have become insufficient, they shall require  
11 said corporation to give further security to their sat-  
12 isfaction; and all the right or authority of the cor-  
13 poration to enter upon or use said land and other  
14 property, except for making surveys, shall be sus-  
15 pended until it gives the security required.

1     SECT. 12. This act shall take effect upon its pas-  
2 sage. [*Approved March 31, 1881.*]

NUMBER 24.

[CHAP. 72.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

In addition to “An Act to Incorporate the Newburyport Water Company.”

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The city of Newburyport is hereby  
2 authorized to contract with the Newburyport Water  
3 Company for a supply of water, for purposes other  
4 than fire purposes, for a term of years.

1 SECT. 2. This act shall take effect upon its pas  
2 sage. [*Approved March 8, 1881.*]

NUMBER 28.

[CHAP. 240.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

Concerning Alewife Brook and certain Sewers in Cambridge and Somerville.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1     SECTION 1. The city of Cambridge shall construct  
2 an intercepting sewer of sufficient capacity, and by  
3 means thereof shall conduct the sewage of the Con-  
4 cord Avenue, Spruce Street, and North Avenue  
5 sewers in said city, and of any sewer at any time  
6 discharging into either of said sewers or into said  
7 intercepting sewer, to some convenient spot upon  
8 the poor farm in said city ; shall there construct a  
9 storage basin for the temporary deposit of such  
10 sewage and by means of pumps or otherwise shall  
11 raise such sewage to a sufficient height to discharge

12 the same by means of a connecting sewer at a con-  
13 venient point in the sewer in Newbury Street, in the  
14 city of Somerville ; shall construct such connecting  
15 sewer and shall so discharge the said sewage for the  
16 term of five years from the first day of September  
17 next, the connection with the said Somerville sewer  
18 to be made on or before said first day of September :  
19 *provided*, that during repairs upon any Somerville  
20 sewer into which the Cambridge sewage shall be so  
21 discharged, pumping shall be discontinued if the  
22 city engineer of Somerville shall so request of the  
23 city of Cambridge ; and shall also be discontinued  
24 during any sudden and violent shower, storm, or  
25 unusually high tide, if reasonably necessary, but the  
26 city of Cambridge may during any such discontinu-  
27 ance discharge its sewage into Alewife Brook ; *pro-*  
28 *vided, however*, that if this method of disposing of  
29 said sewage be adjudged impracticable as hereinafter  
30 provided, then the obligation imposed by this section  
31 shall be void, and *provided, further*, that whenever  
32 the city of Cambridge shall adopt and carry into  
33 active operation any other method of disposing of  
34 the sewage of its sewers above named and sewers  
35 at any time discharging therein than by a discharge  
36 into Alewife Brook, the obligation imposed by this  
37 section shall be void.

1     SECT. 2. For the purposes named in the preced-  
2 ing section, the city council of Cambridge shall have  
3 the same right to take private land in Somerville as  
4 it now has to take land for sewers in Cambridge,  
5 and all the proceedings of such taking shall be con-

6 ducted in the same manner as though such land  
7 were in Cambridge, and all persons and corporations  
8 suffering damage in their property by reason of such  
9 taking shall have the same rights and remedies for  
10 ascertaining and recovering the amount of such  
11 damage as in the case of land taken for sewers in  
12 Cambridge.

1     SECT. 3. If at any time after the construction of  
2 the works required by the first section hereof and  
3 actual trial thereof, that method of disposing of said  
4 sewage be deemed by the state board of health,  
5 lunacy and charity, after such notice and hearing as  
6 said board may order, impracticable without great  
7 and unreasonable expense, then the obligation im-  
8 posed by the first section hereof shall be void.

1     SECT. 4. After the expiration of five years from  
2 the first day of September next the city of Cam-  
3 bridge may at its option continue or discontinue the  
4 works prescribed in the first section hereof; said  
5 continuance, however, to be for a term of five years  
6 and no more, except with the consent of the city of  
7 Somerville, and subject to the same conditions as the  
8 original term.

1     SECT. 5. So long as the city of Cambridge dis-  
2 charges its sewage into the sewer of Somerville in  
3 the manner herein before prescribed, it shall pay  
4 annually to the city of Somerville upon the first day  
5 of September, the first payment to be made on the  
6 first day of September A.D. eighteen hundred and

7 eighty-two, the sum of one thousand dollars, and in  
8 the same ratio for any part of a year, and during  
9 the same period shall dispose of the sewage and  
10 storm water of the city of Somerville emptying into  
11 any sewer of Cambridge under the provisions of this  
12 act, in the same manner that it disposes of its own  
13 sewage and storm water in the same sewers, and  
14 without any cost or charge to the city of Somerville.

1     SECT. 6. The city of Somerville for the purposes  
2 of draining the following described territory situated  
3 in Somerville, namely:— Commencing at a point  
4 on the boundary line between Cambridge and Som-  
5 erville, distant one hundred sixty-eight feet south-  
6 easterly from a stone bound marking said boundary  
7 line and numbered twenty-two; thence running  
8 southeastwardly by said boundary line to the south-  
9 easterly line of Meacham Street; thence turning  
10 and running northeastwardly by said southeasterly  
11 line of Meacham Street to the Middlesex Central  
12 Railroad; thence continuing in the same direction  
13 and crossing said railroad to a point one hundred  
14 feet southwesterly from the southwesterly line of  
15 Holland Street; thence turning and running north-  
16 westwardly by a line parallel with said southwesterly  
17 line of Holland Street and one hundred feet distant  
18 therefrom to the southeasterly line of Elmwood  
19 Street; thence turning and running southwestwardly  
20 by said southeasterly line of Elmwood Street to a  
21 point in line with the prolongation of the south-  
22 westerly line of Mead Street; thence turning and  
23 running northwestwardly by said southwesterly line

24 of Mead Street prolonged, crossing Elmwood Street  
25 and Cameron Avenue, and by the said southwesterly  
26 line of Mead Street to the northwesterly line of  
27 Moore Street; thence in the same direction crossing  
28 Newbury Street and Clarendon Avenue to the land  
29 owned by the city of Cambridge; thence southwest-  
30 wardly by said land of the city of Cambridge to the  
31 point of beginning, — may connect any sewer upon  
32 such territory with any sewer in Cambridge, and for  
33 that purpose the city council of Somerville shall  
34 have the same right to take private land in Cam-  
35 bridge as it now has to take land for sewers in  
36 Somerville, and all the proceedings of such taking  
37 shall be conducted in the same manner as though  
38 such land were in Somerville, and all persons or  
39 corporations suffering damage in their property by  
40 reason of such taking shall have the same rights  
41 and remedies for ascertaining and recovering the  
42 amount of such damage as in the case of land taken  
43 for sewers in Somerville.

1     SECT. 7. Each of said cities may for the purposes  
2 of this act carry its pipes and drains under any  
3 street, railroad, highway or other way in such man-  
4 ner as not to unnecessarily obstruct the same, and  
5 may enter upon and dig up such street, railroad,  
6 highway or other way for the purpose of laying,  
7 maintaining and repairing any such pipes and drains,  
8 and may do any other things necessary or proper in  
9 executing the purposes of this act; but, whenever  
10 either of said cities enters upon or digs up for such  
11 purposes any road, street or way which is outside

12 its own territorial limits, it shall be subject to such  
13 reasonable regulations as may be prescribed by the  
14 mayor and aldermen of the city wherein such street  
15 or way may be located, and shall restore said road,  
16 street or way to as good order and condition as it  
17 was in before such digging was commenced; shall  
18 perform the work in such manner and with such  
19 care as not to render any road, street or way in  
20 which such pipes are laid unsafe, or unnecessarily  
21 inconvenient to the public travel thereon; and shall  
22 at all times indemnify and save harmless any city  
23 which is liable to keep in repair any road, street or  
24 way aforesaid, against all damages which may be  
25 recovered against it, and shall re-imburse to it all  
26 expense which it shall reasonably incur by reason  
27 of any defect or want of repair in such road, street  
28 or way caused by the maintenance, repair or repla-  
29 cing of said pipes, or by reason of any injury to  
30 persons or property caused by any defect or want of  
31 repair in any such pipes: *provided*, that such city  
32 has notice of any claim or suit for such damage or  
33 injury, and an opportunity to assume the defence  
34 thereof. Either city shall have the right to use  
35 without compensation any sewer built under this  
36 act within its own territorial limits.

1     SECT. 8. Whenever the city of Cambridge law-  
2 fully ceases to discharge sewage into the sewer of  
3 the city of Somerville in the manner prescribed by  
4 the first section hereof, the city of Somerville shall  
5 cease to discharge its sewers into the sewers of the  
6 city of Cambridge as provided in the sixth section  
7 hereof.

1     SECT. 9. No person or corporation public or pri-  
2 vate shall after the first day of September next dis-  
3 charge or cause to be discharged either directly or  
4 indirectly into Alewife Brook any drainage, refuse  
5 or polluting matter of such quality and quantity, as  
6 either by itself or in connection with other matter  
7 shall corrupt the waters of said brook, or tend to  
8 make the brook a nuisance deleterious to public  
9 health: *provided, however*, that this prohibition shall  
10 not extend to the sewage from the sewers named in  
11 the first section hereof, nor to sewage from lands now  
12 emptying sewage into said brook, in case the method  
13 therein prescribed for disposing of the same be  
14 deemed impracticable as aforesaid by the state board  
15 of health, lunacy and charity; but this proviso shall  
16 not be construed to give to the city of Cambridge,  
17 or any person or corporation, any right in addition  
18 to what it has at the date of the passage of this act,  
19 if any, to drain into said brook.

1     SECT. 10. Nothing herein contained shall be con-  
2 strued to prevent the city of Cambridge from dis-  
3 charging the storm water of its sewers, including  
4 those named in the first section hereof, into said  
5 brook, nor to destroy or impair prescriptive rights of  
6 drainage or discharge to the extent to which they  
7 lawfully exist at the date of the passage of this act;  
8 and nothing in this act contained shall be construed  
9 to authorize the pollution of the waters of said brook  
10 in any manner now contrary to law.

1     SECT. 11. The mayor and aldermen of Cam-

2 bridge may permit any person owning lands in  
3 Cambridge now draining into Alewife Brook to  
4 drain such lands, or any part thereof, into either of  
5 the sewers in Cambridge named in the first section  
6 hereof, upon such terms and conditions as they may  
7 prescribe. If, within seven days after application to  
8 them, the mayor and aldermen do not grant to any  
9 such person permission thus to drain, or if such  
10 person be dissatisfied with the terms and conditions  
11 prescribed by the mayor and aldermen, he may  
12 appeal to the state board of health, lunacy and  
13 charity, which board, after such notice as it may  
14 order, and a hearing, shall decide whether such per-  
15 son may enter either of the sewers, and what sum,  
16 either in gross or at stated periods, he shall pay to  
17 Cambridge therefor, and what other terms and con-  
18 ditions, if any, shall be imposed upon said entry,  
19 which decision shall be final and binding upon all  
20 parties.

1     SECT. 12. Whenever a violation of any of the  
2 provisions of this act affecting the public health or  
3 the water supply of any city is committed, the state  
4 board of health, lunacy and charity may, if in its  
5 judgment the public health requires, order any per-  
6 son or corporation public or private to cease and de-  
7 sist from such violation, and to remedy the pollution  
8 or to cleanse or purify the polluting substances in  
9 such a manner and to such a degree that they shall  
10 be no longer deleterious to the public health before  
11 being cast or allowed to flow into said brook: *pro-*  
12 *vided*, that before making such order the said board

13 shall assign a time and place for hearing all parties  
14 interested and shall give such parties an opportunity  
15 of being heard, and the order herein before provided  
16 shall not be issued until after such notice and hear-  
17 ing; and *provided, also*, that upon the application of  
18 any city to said board alleging the violation of any  
19 of the provisions of this act and the pollution of its  
20 water supply thereby, said board shall grant a hear-  
21 ing upon due notification to all parties interested,  
22 and upon proof of such violation shall issue the  
23 order or orders already mentioned in this act.

1     SECT. 13. The supreme judicial court or any one  
2 of its justices in term time or vacation shall have  
3 power to issue an injunction to enforce any such  
4 order.

1     SECT. 14. Every such order of the board of  
2 health, lunacy and charity shall be made in writing  
3 and served by any person competent to serve a  
4 notice in a civil suit personally upon the person  
5 found guilty of violation as aforesaid, or his author-  
6 ized agent, or a copy of the order may be left at the  
7 last and usual place of abode of such person or his  
8 agent, if he has any such place of abode within the  
9 state known to the officer. If the residence of the  
10 owner or agent is unknown to the officer, or without  
11 the state, the order may be served by publication in  
12 one or more newspapers in such manner and for  
13 such time as said board may order. Any party ag-  
14 grieved by any such order shall have the right of  
15 appeal to a jury and be subject to the fifty-sixth and

16 fifty-eighth sections of the twenty-sixth chapter of  
17 the General Statutes, and the two hundred and sixty-  
18 third chapter of the laws of the year eighteen hun-  
19 dred and sixty-five. During the pendency of the  
20 appeal the pollution against which the order has  
21 issued shall not be continued contrary to the order,  
22 and upon any violation of the same the appeal shall  
23 be forthwith dismissed.

1     SECT. 15. Nothing herein before contained shall  
2 be construed to exclude the jurisdiction of the su-  
3 preme judicial court sitting in equity according to  
4 the usual course and practice of such court.

1     SECT. 16. This act shall be void unless accepted  
2 by the city council of each of said cities within thirty  
3 days from the date of the passage hereof. [*Approved*  
4 *May 6, 1881.*

NUMBER 32.

[CHAP. 268.]

**Commonwealth of Massachusetts.**

---

In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

In addition to the acts to supply the city of Worcester  
with pure Water.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1 SECTION 1. The city of Worcester is hereby  
2 authorized to take and convey into and through  
3 said city the waters of Tatnuc Brook or of any res-  
4 ervoir thereon, and the waters flowing into the  
5 same, and to take and hold any land, and build and  
6 maintain any structures, necessary for said purpose.

1 SECT. 2. The rights, powers and authority given  
2 by this act shall be exercised by the city of Worces-  
3 ter by the same officers as the rights, powers and  
4 authority given by the one hundred and fourth chap-

5 ter of the acts of the year eighteen hundred and  
6 sixty-four are exercised by, and the said city shall be  
7 entitled to all the rights and subject to all the duties  
8 and liabilities set forth in the three hundred and  
9 sixty-first chapter of the acts of the year eighteen  
10 hundred and seventy-one, to be enforced in the  
11 manner provided in said chapter.

1     SECT. 3. For the purpose of defraying all costs  
2 and expenses incident to the acts herein authorized,  
3 including the payment for land and water rights  
4 taken, the city council shall have authority to bor-  
5 row, from time to time, such sums of money, and to  
6 issue notes, bonds, or certificates therefor, to be  
7 denominated on the face thereof "Worcester Water  
8 Scrip," as they shall deem necessary, to an amount  
9 not exceeding five hundred thousand dollars, upon  
10 the same terms and conditions, and with the same  
11 authority in regard to interest, and the sale of said  
12 scrip, and the payment of the principal thereof, and  
13 the appropriation and assessment of money for the  
14 payment of the principal and the interest on the  
15 moneys so borrowed, as are contained in the fifth  
16 section of the one hundred and fourth chapter of  
17 the acts of the year eighteen hundred and sixty-  
18 four.

1     SECT. 4. This act shall not take effect unless  
2 within six months from its passage it is accepted by  
3 the city council of the city of Worcester; and upon  
4 such acceptance the rights heretofore granted by the  
5 legislature to the city of Worcester to take the

6 waters of Kettle Brook in the town of Leicester  
7 shall thereupon cease and determine. [*Approved*  
8 *May* 12, 1881.

NUMBER 33.

[CHAP. 67.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**RESOLVE**

Regarding the Sewage of the city of Worcester.

1    *Resolved*, That the state board of health, lunacy  
2 and charity is hereby authorized and directed to ex-  
3 amine and consider the question of the disposition of  
4 the sewage of the city of Worcester, especially with  
5 a view to prevent the pollution of the Blackstone  
6 River and its tributaries, and report its conclusions  
7 in print to the next legislature, with recommenda-  
8 tions as to a definite plan for the prevention of such  
9 pollution. For this purpose the board may employ  
10 such assistants and incur such engineering or other  
11 expenses as shall be approved by the governor and  
12 council. [*Approved May 12, 1881.*]

NUMBER 34.

[CHAP. 171.]

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-one.

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### AN ACT

To enable the town of Peabody to improve its Water works and increase its Water supply.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1 SECTION. 1 The town of Peabody, for the pur-  
2 pose of increasing the capacity and efficiency of its  
3 water works, is hereby authorized to take and hold,  
4 by purchase or otherwise, such lands in said town  
5 as may be necessary and convenient for erecting and  
6 maintaining an engine house and pumping station,  
7 and a stand-pipe or high-service reservoir, and any  
8 structures required in connection with said works ;  
9 and on said lands may erect and maintain said works,  
10 buildings and structures, and any other appliances  
11 necessary and proper for said purpose, and may con-

nect said works and structures with each other and with the aqueducts of said town, whether now or hereafter laid.

SECT. 2. In the prosecution of said work, and for the purpose aforesaid, and for the purpose of connecting the water works now owned by said town or authorized by this act with the new sources of water supply hereinafter mentioned, said town may lay and maintain pipes or other works over or under any water course, street, railroad, highway or other way, or any land whatever, and in general may do any other acts and things necessary and proper for the carrying out of said purposes; and if for said purposes said town enters upon or digs up any land, street or way, it shall restore the same to as good order and condition as it was in before such digging commenced, and the work shall be done in such manner and with such care as not to render such land, street or way unsafe or unnecessarily inconvenient to those entitled to use the same.

SECT. 3. Said town is also authorized for the purposes aforesaid, and to increase its supply of water, to take, hold and convey into the reservoirs, aqueducts or other works now owned by said town, or authorized by this act, the waters of Cedar Pond in said town, and the waters of Humphrey's Pond situated partly in said Peabody and partly in Lynnfield, and the waters which flow into and from said ponds, and any water rights connected therewith, and may also take and hold, by purchase or other-

11 wise, such lands around the margins of said ponds,  
12 not exceeding five rods in width, as may be neces-  
13 sary for the preservation and purity of said waters,  
14 and may also take and hold in like manner such  
15 lands as may be necessary for maintaining dams and  
16 reservoirs for the storage of said waters, and such  
17 lands as may be necessary for erecting and maintain-  
18 ing any works proper for the taking and distribution  
19 of said waters.

1     SECT. 4. The water board of said town of Pea-  
2 body shall execute, superintend and direct the per-  
3 formance of all the works, matters and things men-  
4 tioned in this act, unless it is otherwise provided  
5 herein, or unless other officers or agents shall be  
6 by vote of the town expressly chosen for said pur-  
7 pose.

1     SECT. 5. Said town of Peabody, within sixty  
2 days after the taking of any land as aforesaid, shall  
3 file in the registry of deeds for the southern district  
4 of the county of Essex a description thereof suffi-  
5 ciently accurate for identification, and the title of  
6 all land so taken shall vest in said town.

1     SECT. 6. Said town of Peabody shall be liable  
2 to pay all damages sustained by any persons or  
3 corporations by the taking of any land, water, water  
4 rights, franchises or property, or by the constructing  
5 of any aqueducts, reservoirs or other works for the  
6 purposes aforesaid. If any person or corporation,  
7 sustaining damages as aforesaid, cannot agree with

8 the town upon the amount of such damages, he may  
9 have them assessed and paid in the same manner  
10 as is provided by law with respect to land taken for  
11 highways; but no application shall be made for the  
12 assessment as aforesaid of damages for the taking  
13 of any water rights or for any injury thereto until  
14 the water is actually withdrawn or diverted by the  
15 town; and any person or corporation whose water  
16 rights are thus taken or affected may apply as afore-  
17 said at any time within three years from the time  
18 when the water is first actually withdrawn or di-  
19 verted.

1     SECT. 7. For the purpose of defraying the cost  
2 and expenses which may be incurred in any work  
3 or taking of property under the provisions of sec-  
4 tions one and two of this act, said town of Peabody,  
5 through its treasurer, shall have authority to issue  
6 from time to time promissory notes or bonds to an  
7 amount not exceeding one hundred thousand dollars,  
8 bearing interest at a rate not exceeding six per  
9 centum per annum, the principal payable at periods  
10 not more than thirty years from the issuing of said  
11 notes or bonds. Said town may sell the same or  
12 any part thereof, from time to time, or pledge the  
13 same for money borrowed for the purpose aforesaid  
14 on such terms and conditions as it may deem proper.  
15 Said town is further authorized to make appropria-  
16 tions and assess from time to time such amounts  
17 as may be necessary to pay the interest on said loans  
18 and the principal at the maturity of said notes or  
19 bonds.

1     SECT. 8. In case said town of Peabody shall take  
2 any waters, water rights or land, or construct aque-  
3 ducts or other works in connection with said new  
4 sources of supply, under the provisions of section  
5 three of this act, said town is authorized, for the  
6 purpose of defraying the cost and expenses occa-  
7 sioned thereby, to raise sufficient money therefor  
8 by taxation, or by borrowing in manner provided  
9 in section seven of this act; and also to appropriate  
10 and assess such amounts as may be necessary to pay  
11 the interest on any sums so borrowed, and the prin-  
12 cipal when due.

1     SECT. 9. This act shall take effect upon its pas-  
2 sage, and shall become void unless accepted within  
3 two years by a majority vote of the legal voters of  
4 the town of Peabody, present and voting at a legal  
5 meeting called for that purpose; and no more than  
6 three meetings shall be called for said purpose in  
7 any one year. [*Approved April 6, 1881.*]

NUMBER 35.

[CHAP. 205.]

**Commonwealth of Massachusetts.**

---

In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

To authorize the city of Boston to attach Meters to  
buildings which it supplies with Water.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1 SECTION 1. The city of Boston is hereby author-  
2 ized, at its own expense, to attach and maintain a  
3 sufficient water meter to the main service pipe in  
4 any building or buildings which may be supplied  
5 with water by said city under authority of law ;  
6 and where any building situate within the city of  
7 Boston shall be supplied with water by said city  
8 through a meter, and there shall be more than one  
9 tenement contained in said building, or where dif-  
10 ferent rooms in the same building are leased to or  
11 occupied by different persons taking water through  
12 separate fixtures, the owners or lessees of said

13 building shall be liable to said city for the entire  
14 amount of water so supplied to said building: *pro-*  
15 *vided*, that, in the case of dwelling houses contain-  
16 ing more than one tenement, and not more than  
17 three tenements, it shall be necessary to obtain the  
18 consent of the owner thereof before attaching such  
19 meter.

1     SECT. 2. This act shall take effect upon its pas-  
2 sage. [*Approved April 15, 1881.*]

NUMBER 38.

[CHAP. 185.]

**Commonwealth of Massachusetts.**

---

In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

To amend “An Act relating to Boards of Health in the  
Several Cities of the Commonwealth.”

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1 SECTION 1. Chapter one hundred and thirty-three  
2 of the Acts of the year eighteen hundred and  
3 seventy-seven is hereby amended by striking out  
4 from the fifth section the last five words, -as follows :  
5 “where such connection is made,” and inserting in  
6 place thereof the words, “where a public sewer  
7 abuts the estate to be drained.”

1 SECT. 2. This act shall take effect upon its pas-  
2 sage. [*Approved April 6, 1881.*]

NUMBER 41.

[CHAP. 130.]

Commonwealth of Massachusetts.

---

In the Year One Thousand Eight Hundred and Eighty-one.

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AN ACT

To amend "An Act to supply the town of Natick with  
Pure Water."

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows:*

1   SECTION 1. Section one of chapter seventy-six of  
2 the acts of the year eighteen hundred and seventy-  
3 three is hereby amended by inserting in the fifth  
4 line of said section, after the word "domestic,"  
5 and before the word "purposes," the words "and  
6 other."

1   SECT. 2. This act shall take effect upon its pas-  
2 sage. [*Approved March 24, 1881.*]

NUMBER 44.

[CHAP. 213.]

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

To authorize the city of Salem to take certain Flats in  
the North River.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1   SECTION 1. For the purpose of abating the nui-  
2   sance in the city of Salem, in that part of the North  
3   River lying in Salem above North Bridge, the said  
4   city may from time to time purchase or otherwise  
5   take any or all of the flats lying in the said North  
6   River, between North Street and Grove Street, and  
7   southerly of the Essex Railroad, and fill and raise  
8   the same to such grade as may be deemed necessary  
9   or expedient. Such city shall within sixty days from  
10  the time it shall take for such purpose said flats, or  
11  any of them, file in the office of the registry of

12 deeds for the southern district of the county of  
13 Essex a description of the flats so taken, as certain  
14 as is required in a common conveyance of lands, and  
15 a statement that the same are taken pursuant to the  
16 provisions of this act; which said description and  
17 statement shall be signed by the mayor of said city,  
18 and the title of all flats so taken shall vest in the  
19 city of Salem in fee simple, and the same may be  
20 sold and conveyed by said city in such manner as  
21 the city council may determine; and if any party  
22 whose flats are taken shall agree with said city upon  
23 the damage done to him by the said taking, the  
24 same shall be paid to him by the said city forthwith.

1     SECT. 2. Any owner of flats so taken who cannot  
2 agree with the said city as to the damage done to  
3 him by said taking may have the same assessed by  
4 the county commissioners; and if either party is dis-  
5 satisfied with the estimate of the county commis-  
6 sioners said party may apply for a jury to assess the  
7 damages; and the proceedings thereupon and the  
8 proceedings upon application to the county commis-  
9 sioners shall be the same as provided for the assess-  
10 ment of damages in laying out highways. The  
11 respective rights and remedies of persons having  
12 different or separate interests or estates in the same  
13 property as to the disposition of the damages  
14 awarded or agreed to under this act shall be in all  
15 respects the same as they now are in the case of  
16 property taken for the laying out of highways.

1     SECT. 3. If any party shall apply for and obtain  
2 a trial by jury, he shall recover his legal costs after

3 such application, if he shall recover a greater  
4 amount than the award of the county commission-  
5 ers with the accrued interest thereon, otherwise he  
6 shall be liable for the legal costs of the city of  
7 Salem. If said city shall make such application and  
8 the verdict of the jury shall be less than the amount  
9 awarded by the county commissioners, it shall re-  
10 cover its legal costs, otherwise it shall be liable for  
11 the legal costs of the other party.

1     SECT. 4. No application to the county commis-  
2 sioners to estimate damages for lands taken under  
3 this act shall be sustained, unless made within three  
4 years from the time of taking the same.

1     SECT. 5. The city council of the city of Salem is  
2 hereby authorized to lay out, in the manner pro-  
3 vided by the charter of said city, any street or way  
4 over any of the flats referred to in this act.

1     SECT. 6. This act shall take effect on its accept-  
2 ance by the city council of the city of Salem. [*Ap-*  
3 *proved April 21, 1881.*]

NUMBER 46.

[CHAP. 282.]

**Commonwealth of Massachusetts.**

---

In the Year One Thousand Eight Hundred and Eighty-one.

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**AN ACT**

To supply the village of Chicopee Falls in Chicopee  
with pure Water.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows :*

1   SECTION 1.   The Chicopee Falls fire district in the  
2 town of Chicopee is hereby authorized to supply its  
3 inhabitants with pure water to extinguish fires, and  
4 for domestic and other purposes ; and may establish  
5 public fountains and hydrants, and regulate their  
6 use, and may fix and collect rents and make regula-  
7 tions for the use of such water.

1   SECT. 2.   Said district, for the purposes aforesaid,  
2 may enter into contracts with any corporation or  
3 person to furnish pure water by means of force

4 pumps or other machinery, and may construct reser-  
5 voirs, and lay down conduits, pipes and drains under  
6 or over any water course, and along any street,  
7 highway or other way in said district in such manner  
8 as not to obstruct the same ; and for the purpose of  
9 constructing reservoirs and laying down, maintaining  
10 and repairing such reservoirs, conduits, pipes and  
11 drains, and for all other proper purposes of this act,  
12 may dig up any such street, highway or other way ;  
13 but all things done upon any street, highway or other  
14 way shall be subject to the direction of the selectmen  
15 of said town.

1     SECT. 3.   Said district shall be liable to pay all  
2 damages sustained by any person on his property by  
3 any act done under the authority herein given. If  
4 any person sustaining damages as aforesaid cannot  
5 agree with said district upon the amount of such  
6 damages, he may have the same assessed by the  
7 county commissioners of the county of Hampden by  
8 making a written application therefor within one  
9 year after sustaining such damages ; and either party  
10 aggrieved by the doings of said commissioners in the  
11 estimation of said damages may have the same  
12 determined by a jury ; and the said commissioners  
13 and jury shall have the same power, and the pro-  
14 ceedings shall in all respects be conducted in the  
15 same manner, as provided in case of taking land for  
16 highways.

1     SECT. 4.   The rights, powers and privileges hereby  
2 granted may be exercised by such officers, agents and

3 servants as such fire district shall elect or employ,  
4 who shall act in accordance with the votes of said  
5 fire district.

1     SECT. 5. Said district is hereby made a body cor-  
2 porate so far as to accomplish the purposes of this  
3 act, and to prosecute and defend in all actions relating  
4 to the property and affairs of said district.

1     SECT. 6. This act shall take effect upon its ac-  
2 ceptance by a two-thirds vote of the legal voters of  
3 said fire district. [*Approved May 13, 1881.*]















